Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of the Niger*

A. Purpose and general obligations (arts. 1–4)

1. Please indicate whether the State party has reviewed its legislation, policies and practices, including Ordinance No. 2010-028 of 20 May 2010, to bring them into line with the Convention and with the human rights model of disability. Specifically, please provide information on the measures taken to repeal or amend legislation that contradicts the Convention, such as Act No. 60-36 of 29 July 1960 on the expulsion from school of persons affected by leprosy (CRPD/C/NER/1, para. 106).[1]

2. Please explain in detail the measures taken to ensure that disability assessments for specific purposes, such as access to social protection measures and services for persons with disabilities or under article 2 of Ordinance No. 2010-028, are conducted in accordance with the Convention and the human rights model of disability.

3. Please provide information on:

(a) The extent to which persons with disabilities, including women and children with disabilities, through their representative organizations, effectively participate in the drafting and implementation of legislative and policy measures, including the preparation of reports for the treaty bodies by the interministerial committee (HRI/CORE/NER/2018, paras. 59, 60 and 63);

(b) The measures taken to support the establishment and self-management of organizations of persons with disabilities, particularly organizations of persons with intellectual disabilities.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

4. Please provide information as to whether the denial of reasonable accommodation is recognized as a form of discrimination. Please also specify the mechanisms that are in place through which the National Human Rights Commission registers complaints and investigates cases of multiple and intersecting forms of discrimination experienced by persons with disabilities, particularly women and girls with disabilities, persons with disabilities living in poverty and in rural areas, and migrants with disabilities, and explain how these multiple and intersecting forms of discrimination are sanctioned by law and to what extent the Commission provides legal assistance to victims.

* Adopted by the pre-sessional working group at its tenth session (24–27 September 2018).

[1] Unless otherwise noted, all paragraph numbers refer to the initial report of the State party (CRPD/C/NER/1).

Women with disabilities (art. 6)

5. With reference to the Committee's general comment No. 3 (2016) on women and girls with disabilities and in view of targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, please provide information on:

(a) The measures taken to mainstream the rights of women and girls with disabilities into gender equality policies and strategies and any other measures taken to ensure that they can exercise their rights;

(b) The extent to which women and girls with disabilities are represented in public life, including their full participation in education, vocational training, career development programmes and employment, and collaboration with representative organizations of women and girls with disabilities, including migrant women with disabilities;

(c) Whether the State party has adopted a national action plan to combat all forms of discrimination experienced by women and girls with disabilities, including domestic and gender-based violence, and to address their reinforcing factors (paras. 256 and 259).

Children with disabilities (art. 7)

6. Please specify any steps taken to establish a local, regional or national forum for children with disabilities to express their views on matters affecting them, as well as the measures taken to ensure that their views are adequately taken into consideration.

Awareness-raising (art. 8)

7. Please specify the legislative and policy measures taken to combat prejudices, stereotypes and harmful practices, including hate crimes, relating to persons with disabilities in all areas of life.

8. Please provide information on regulated mechanisms to ensure financial support for persons with disabilities, their consultation and their meaningful participation, through their representative organizations, in national awareness-raising campaigns, such as mass media campaigns aimed at eliminating discrimination faced by persons with disabilities, and whether organizations of persons with disabilities are systematically involved in the planning and implementation of awareness-raising programmes on the rights of persons with disabilities throughout the year (para. 127).

9. Please provide information on the indicators used by the national committee for monitoring the implementation of the Convention that was established by Order No. 0030/MP/RS/DRS of 1 December 2008, and specify the human and financial resources that it has been allocated (para. 124).

Accessibility (art. 9)

10. Please provide information on:

(a) The extent to which current legislation complies with article 9 of the Convention in terms of the accessibility of the physical environment, transportation, information and communications technology and systems, and other facilities and services open to the public (para. 137);

(b) The steps taken to include technical standards to improve accessibility in the Public Procurement Code (para. 135);

(c) The mechanisms that are in place to monitor the implementation of articles 41 to 45 of Decree No. 2010-637/PCSRD/MP/PF/PE of 26 August 2010, in accordance with article 28 of Ordinance No. 93-012 of 2 March 1993, and the specific measures taken to enforce such legislation, including through the use of sanctions (paras. 130 and 137).

11. Please provide information on:

(a) The measures taken to ensure that the various forms of information and communications technology and services are fully accessible to persons with disabilities;

(b) The latest report submitted by the ministers responsible for social protection, health and planning, particularly regarding access to information and communications technology (para. 140).

Situations of risk and humanitarian emergencies (art. 11)

12. Please clarify whether the State party has adopted national strategies for disaster risk reduction and management and the extent to which persons with disabilities, through their representative organizations, have participated in their formulation.

Equal recognition before the law (art. 12)

13. In accordance with the Committee's general comment No. 1 (2014) on equal recognition before the law, please indicate any steps taken to amend or repeal articles 489 to 512 of the Civil Code, which restrict the legal capacity of persons with intellectual or psychosocial disabilities (para. 154). Please also explain the measures taken to replace substituted decision-making regimes with supported decision-making regimes in the exercise of legal capacity.

Access to justice (art. 13)

14. Please indicate the measures taken to:

(a) Implement the right to be provided with procedural and age-appropriate accommodations, which is immediately applicable as a civil right under the Convention, in order for persons with disabilities to access the justice system on an equal basis with others;

(b) Allow persons with disabilities to access the justice system with the support of the National Agency for Legal and Judicial Assistance, established by Act No. 2011-42, and the budget allocated to this agency (paras. 156–159);

(c) Provide training to judges, lawyers, court and law enforcement personnel, police and other public servants on the rights of persons with disabilities to gain access to justice, including the obligation to provide reasonable accommodation.

Liberty and security of the person (art. 14)

15. Please indicate the measures taken to prohibit the institutionalization or confinement in hospitals or other institutions of persons with disabilities without their free consent, based on their actual or perceived impairment. Please also explain the measures taken to ensure that persons with disabilities serving sentences in prisons or detention centres are treated in accordance with the objectives and principles of the Convention, including through the provision of reasonable accommodation.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

16. Please provide information on any measures taken to adopt a national strategy for the implementation of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the extent to which persons with disabilities, through their representative organizations, are consulted and participate in its implementation.

Freedom from exploitation, violence and abuse (art. 16)

17. Please indicate the number of women and girls with disabilities who have been subjected to forced marriage, in particular women with intellectual or psychosocial disabilities living in institutions or in rural areas, and explain the measures taken for their comprehensive rehabilitation.

18. Please explain the measures taken to ensure that individuals or groups of individuals who commit acts of exploitation, violence or abuse against persons with disabilities,

particularly against women and girls with disabilities, are brought to justice and sanctioned. Please also explain the measures taken to provide persons with disabilities with effective access to redress, including adequate compensation, and accessible services for their recovery, rehabilitation and social reinsertion.

Protecting the integrity of the person (art. 17)

19. Please specify the mechanisms that are in place at the local and national levels to ensure that any medical testing is carried out with the informed consent of persons with disabilities, including HIV testing. Please provide information about the measures taken to prohibit forced medical intervention against persons with disabilities, including forced sterilization and forced abortion (paras. 175–176).

20. Please provide updated information, including statistical data, on the number of reported cases of violations of article 17 of the Convention, and the remedies available to persons with disabilities.

Living independently and being included in the community (art. 19)

21. In the light of the Committee's general comment No. 5 (2017) on living independently and being included in the community, please specify whether the right to independent living and inclusion in the community is expressly recognized by law and, if so, indicate the budgetary allocation that the State party has put in place to ensure the effective implementation of this right, including the provision of personal assistance in order to allow persons with disabilities, particularly those living in rural areas, to access the labour market, transportation, housing, education, recreational activities and other facilities and services.

Personal mobility (art. 20)

22. Please provide information on existing policies and measures to support persons with disabilities in enhancing their personal mobility, including the provision of mobility aids, devices and assistive technologies, forms of live assistance and intermediaries, and information and communications technology, in particular in rural areas.

Freedom of expression and opinion, and access to information (art. 21)

23. Please provide information about any policy that is in place to promote and protect the freedom of expression of persons with disabilities, including persons with intellectual or psychosocial disabilities. In particular, please specify any measures taken to:

(a) Recognize the sign language of the Niger as an official language of the State party;

(b) Improve access to information in all formats, including Braille, Easy Read and other augmentative and alternative means and modes of communication.

Respect for privacy (art. 22)

24. Please provide information about the measures taken to protect and promote the right to privacy of persons with disabilities, particularly women and girls with disabilities, and to sanction any violations and provide remedies.

Respect for home and the family (art. 23)

25. Please provide information on the legal and other measures taken to:

(a) Repeal provisions that are not in accordance with the Convention, including articles 489 to 512 of the Civil Code;

(b) Ensure the right to family life and parenthood of all persons with disabilities, on an equal basis with others;

(c) Strengthen the services available to parents and families with children with disabilities, including early intervention and support services.

Education (art. 24)

26. Please specify the measures taken to develop a quality inclusive education policy and programmes, with adequate human and financial resources for their implementation. Please indicate:

(a) The proportion of children with disabilities in inclusive education, disaggregated by age, sex, type of impairment and barriers faced;

(b) The proportion of children with disabilities who still attend special or segregated schools, disaggregated by age, sex, type of impairment and barriers faced;

(c) Whether there has been an increase in the number of children with disabilities exercising their right to education, with reasonable accommodation, in mainstream pre-primary, primary and secondary schools, particularly in rural areas.

Health (art. 25)

27. Please specify the measures taken to:

(a) Enable persons with disabilities, particularly women and girls with disabilities, to access comprehensive health-care services, including concerning sexual and reproductive health and rights and HIV/AIDS, on an equal basis with others;

(b) Ensure that persons with disabilities outside urban areas are also entitled to exemption from medical fees, in accordance with Decree No. 96-456/PRN/MSP of 28 November 1996 and Ordinance No. 93-012.

Habilitation and rehabilitation (art. 26)

28. Please specify how the State party, together with representative organizations of persons with disabilities, is engaged in habilitation and rehabilitation projects (paras. 224–226).

Work and employment (art. 27)

29. Bearing in mind target 8.5 of the Sustainable Development Goals, please provide information on:

(a) The monitoring of the implementation of article 10 of Act No. 2012-48 of 25 September 2012, establishing the Labour Code, and of article 21 of Ordinance 93-012;

(b) Whether the denial of reasonable accommodation in the workplace constitutes discrimination and, if so, which penalties and remedies are available to victims of discrimination;

(c) The proportion of persons with disabilities who are employed in the public and private sectors;

(d) The incentives provided to private sector employers to promote the employment of persons with disabilities, particularly women with disabilities.

Adequate standard of living and social protection (art. 28)

30. Bearing in mind targets 1.3, 1.4, 10.2 and 10.3 of the Sustainable Development Goals, please indicate:

(a) The budgetary and other measures that are in place to guarantee to persons with disabilities the right to social protection and to ensure that ministries and State agencies are able to implement such measures (para. 235);

(b) Whether persons with disabilities are entitled to poverty reduction schemes on an equal basis with others;

(c) Whether refugees with disabilities who reside in the State party can also access social protection measures and services for persons with disabilities.

Participation in political and public life (art. 29)

31. Please provide information on the measures taken to:

(a) Repeal or amend articles 489 to 51[illegible] of the Civil Code and article 8 (1) (4) of the Electoral Code to ensure that persons with intellectual or psychosocial disabilities and other persons with disabilities who are deprived of their legal capacity participate in political and public life, and that those who receive assistance at the polling station under article 69 (2) of the Electoral Code can cast their vote in an independent and confidential manner;

(b) Ensure access to polling stations and to electoral materials in accessible formats for persons with disabilities, on an equal basis with others.

Participation in cultural life, recreation, leisure and sport (art. 30)

32. Please inform the Committee about any steps taken to:

(a) Promote access to inclusive leisure, sports and cultural activities for persons with disabilities in all parts of the State party's territory;

(b) Consider ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

33. Please indicate the measures taken to ensure that persons with disabilities, through their representative organizations, will be meaningfully consulted in the preparation of the questionnaire for the next general population census and whether the Washington Group Short Set of Questions on Disability will be taken into consideration for the census and for any surveys undertaken by the National Institute of Statistics and sectoral statistics directorates within ministerial departments (para. 274).

International cooperation (art. 32)

34. Please describe:

(a) The level of consultation and participation of persons with disabilities, through their representative organizations, in international cooperation agreements, projects and programmes, particularly those related to the implementation of the 2030 Agenda for Sustainable Development;

(b) The level of involvement of persons with disabilities, through their representative organizations, in designing, presenting and negotiating issues relevant to them in international and regional forums and discussions on foreign policy, with respect to both disability-specific and other policies, with the purpose of mainstreaming the human rights model of disability into policies.

National implementation and monitoring (art. 33)

35. Please indicate the institution or agency that has been identified as the focal point for the implementation of the Convention within the State party and whether a coordinating mechanism has been considered. Please provide information on the scope of the national committee for monitoring the implementation of the Convention that was established by Order No. 0030/MP/RS/DRS, and of the National Human Rights Commission. Please also provide information on the measures taken to strengthen and ensure the independence of both bodies, and indicate how the State party involves persons with disabilities, through their representative organizations, in their work.